



Attorney Docket No.: 049400-5020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Taiichiroh MEGURO, *et al.*)
Application No.: 09/987,205)
Filed: November 13, 2001)
For CATHETER ASSEMBLE)

Confirmation No.: 6172
Group Art Unit: 3762
Examiner: M. Bockelman

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**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated 13 May 2004, the period for response to which was previously extended through 15 November 2004, i.e., the next business day following 13 November 2004 (in accordance with 37 C.F.R. § 1.6(a)), rejecting the following claims: **1 and 27-30.**

1. **Extension of Time**

[X] Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for <u>Small Entity</u>]
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 430.00	\$215.00
[X] three months	\$ 980.00	\$490.00

[X] Having paid a three month extension of time fee of \$980.00 on 13 November 2004, the extension of time fee due with this request is: \$-0-.

2. **Notice of Appeal Fee - 37 C.F.R. § 1.17(b)**

[] The fee in the amount of \$_____ to cover the appeal fee is enclosed.

[X] The Commissioner is authorized to charge the notice of appeal fee to Deposit Account No. 50-0310. The amount is \$340.00.

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01 FC:1253
02 FC:1401
980.00 DA
340.00 DA

3. **Fee Total(s):**

[X] The Notice of Appeal Fee under 37 C.F.R. § 1.17(b), totaling \$340.00, is being charged to Deposit Account No. 50-0310.

4. **Constructive Petition**

[X] **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: 15 November 2004

By: _____



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